STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of GGD, Minor.

UNPUBLISHED
October 15, 2013

No. 316493
Ingham Circuit Court
Family Division
LC No. 13-000050-RL

Before: HOEKSTRA, P.J., and RONAYNE KRAUSE and BOONSTRA, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating her parental rights to her minor child pursuant to her release of her parental rights, MCL 710.29(7). We affirm.

This is a tragic case. The petition reads that the minor was severely abused by respondent, who herself was diagnosed as "Cognitive Delayed". Respondent was appointed a Guardian ad Litem ("GAL") for the proceedings. During the relevant hearing, respondent was questioned at length by the court about her wishes, and she indicated that she had decided to release her parental rights. As the proceedings continued, and the court again inquired if she wished to continue with the release, respondent indicated a change of mind. After a brief recess, respondent again indicated that she did not want to release her parental rights. The court then indicated they would proceed to trial. After a second recess, respondent's counsel and GAL indicated that she had again decided to release her parental rights. Her counsel and the court questioned her, and she affirmed that she had decided to release her rights. She now challenges this release.

Respondent argues that her release was not knowingly and voluntarily made under MCL 710.29(6) of the Adoption Code, MCL 710.21 *et seq.*, which reads in relevant part as follows:

> A release by a parent or a guardian of the child shall not be executed until after the investigation the court considers proper and until after the judge . . . has fully explained to the parent or guardian the legal rights of the parent or guardian and the fact that the parent or guardian by virtue of the release voluntarily relinquishes permanently his or her rights to the child . . .

The release "is valid if executed in accordance with the law at the time of execution." MCR 3.801(B). The release must be signed by the parent of the child to be adopted, MCL 710.28(1)(a), and the release must be "knowingly and voluntarily made . . . " *In re Burns*, 236 Mich App 291, 292; 599 NW2d 783 (1999). A release may not be revoked simply because a

respondent has a "change of heart." *In re Curran*, 196 Mich App 380, 385; 493 NW2d 454 (1992). While a release may be revoked on the basis of undue influence, a vague and unspecific claim that a respondent "felt pressured" will not warrant relief. *Id*. at 384-385. When a respondent states on the record that he or she was not coerced or threatened into signing the release, the trial court properly finds that the release was "freely" signed. See *In re Blankenship*, 165 Mich App 706, 712; 418 NW2d 919 (1988).

The record verifies that respondent's release was knowingly made, and there is no indication that the trial court erred in stating that her release was "understandingly" given. The trial court properly explained the legal rights that respondent was surrendering in signing the release. The trial court also properly explained that she was not obligated to sign nor could she be compelled to sign the release. While the trial court gave these explanations earlier in the hearing before respondent indicated a change of mind, her counsel and GAL reiterated these explanations near the end of the hearing. Respondent repeatedly stated that she understood these explanations. Accordingly, the trial court did not err in determining that the release was knowingly (i.e., "understandingly") made.

The record also shows that respondent's release was voluntarily made. She informed the trial court that she was not promised anything of value or "threatened" to sign the release. In addition, both the trial court and respondent's counsel told her that the decision to sign the release was hers alone, and respondent never indicated that her decision to sign the release was influenced by another person. See *id*. Respondent also stated that she was not under the influence of any drugs or alcohol when she signed the release. Given these facts, the trial court did not err in determining that the release was voluntarily made.

Respondent argues that according to a letter she sent to the trial court following her release, she "was scared" when she signed the release. However, the cited paragraph does not clearly indicate that respondent was asserting that she was "scared" when she signed the release. The entire paragraph containing that statement reads as follows:

> I, [respondent], Realize that my decision to stay in an envirnment [sic] (my brother Lees [sic] house) in wich [sic] he was not safe, was not a wise decision. "I was afraid of what would happen to me and my dad." "I was afraid of what Lee would do, where were we going to go[.]" "I was scared[.]"

The statement seems to be referring to respondent's general state of mind when she resided with her brother. There is nothing in the record either below or on appeal to suggest that respondent signed the release because she was afraid something would happen to her or her father if she did not. Further, even if respondent's letter indicated that she "was scared" when she signed the release, relief would still not be warranted because the statement was vague and unspecific. *In re Curran*, 196 Mich App at 385.

Respondent argues that the release should be revoked because a letter dated February 25, 2013, which was sent to her from a California public health services department, indicated that she was an adequate parent. She does not present any argument or legal authority to support in what way this letter would warrant revoking the voluntary release. In any event, the letter documents progress and the lack of troubling situations, not that respondent was capable of

providing for her son. Indeed, the letter qualifies many of its observations (respondent applied the lessons learned "to the best of [her] ability"; "[d]uring our home visits your son appeared clean and cared for") (Letter. 02/25/13). Further, the letter refers to events occurring nearly one year prior to the termination hearing. This is simply not relevant to the facts as presented in this case.

Respondent had the benefit of an attorney and GAL in this case. Based on the record, there is no legal basis for respondent to withdraw her release.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Amy Ronayne Krause
/s/ Mark T. Boonstra